

ORDINANCE NO. 90 - 31

1 AN ORDINANCE OF THE BOARD OF COUNTY  
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,  
3 AMENDING ORDINANCE NO. 89-35, THE CONCURRENCY  
4 EXEMPTION ORDINANCE, AS AMENDED; AMENDING  
5 SECTION XIII SPECIAL CRITERIA FOR WATER  
6 CONTROL DISTRICTS BY: PROVIDING FOR UNIFIED  
7 PLANNING AREA TREATMENT; PROVIDING FOR  
8 CRITERIA FOR COMBINING TAXING UNITS; PROVIDING  
9 FOR HEARING OFFICER ELECTION TO APPLY AN  
10 ALTERNATIVE CONCURRENCY MANAGEMENT SYSTEM;  
11 PROVIDING FOR INCLUSION INTO THE CODE OF LAWS  
AND ORDINANCES; PROVIDING FOR SEVERABILITY;  
AND PROVIDING FOR AN EFFECTIVE DATE.

12 WHEREAS, the Board of County Commissioners adopted the  
13 Concurrency Exemption Ordinance of Palm Beach County, Florida,  
14 providing for the process and criteria for establishing that  
15 property is exempt from the concurrency requirements of the 1990  
16 Comprehensive Plan; and

17 WHEREAS, if property is not found exempt, it must meet the  
18 Concurrency Requirements of the Comprehensive Plan; and

19 WHEREAS, specific taxing units within some Water Control  
20 districts can be found to be exempt; and

21 WHEREAS, specific properties within a Water Control District  
22 can meet concurrency; and

23 WHEREAS, in order for any development which is not exempt or  
24 concurrent to be permitted, additional public facilities would be  
25 required; and

26 WHEREAS, taxing units, meeting specified criteria, which  
27 desire to plan for the required public facilities wish to be  
28 combined into a Unified Planning Area for concurrency purposes; and

29 WHEREAS, it is in the best interest of Palm Beach County to  
30 permit a Unified Planning Area to allow a specified amount of  
31 development to continue while initiating a plan to provide for the  
32 necessary public facilities.

33 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
34 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT ORDINANCE NO. 89-  
35 35, SECTION XIII - SPECIAL CRITERIA FOR WATER CONTROL DISTRICTS IS  
36 HEREBY AMENDED AS FOLLOWS:



1           Section 1.

2           F. Unified Planning Area

3           1. Notwithstanding any other provision to the contrary, upon  
4 application, the Board of County Commissioners may recommend  
5 combining some or all taxing units in a water control district for  
6 purposes of evaluating said taxing units as a Unified Planning  
7 Area, provided all the following criteria are met:

8               (a) all taxing units were developed or marketed by the  
9 same developer;

10              (b) all taxing units have completed those improvements  
11 required by the Florida Land Sales Board;

12              (c) ownership of property in any taxing unit entitles  
13 the property owner to membership in a common property owners  
14 association representing property owners in all taxing units of the  
15 water control district;

16              (d) development in the district can be characterized by  
17 long term growth generally occurring sequentially in those taxing  
18 units first allowing development;

19              (e) prior to the date of this Ordinance Palm Beach  
20 County has participated in the funding or construction of public  
21 improvements; and

22              (f) a task force has been or will be established to  
23 recommend the necessary planning and funding to provide for the  
24 required public facilities.

25           2. If the Hearing Officer determines that some or all taxing  
26 units constitute a Unified Planning Area, the Hearing Officer, in  
27 lieu of applying the Concurrency Exemption Ordinance may elect to  
28 apply an alternative Concurrency Management System in said Unified  
29 Planning Area. The Hearing Officer may stipulate to approval of  
30 said alternative Concurrency Management System, which sets a  
31 specific number of dwelling units to be permitted per year, not to  
32 exceed that number of units which the Hearing Officer has



1 determined to be exempted under the Concurrency Exemption Ordinance  
2 and which the Planning Director finds concurrent under the Adequate  
3 Public Facilities Ordinance. The specific number of permitted  
4 units shall be based on the average number of units permitted in  
5 the past three years.

6 3. Any alternative Concurrency Management System approved by  
7 the Hearing officer shall be in effect for no more than two years  
8 from the date an order is rendered. Upon expiration of the Order,  
9 all applications for Development Orders must comply with either the  
10 Adequate Public Facilities Ordinance, as amended or the public  
11 facilities plan as adopted by the Board of County Commissioners for  
12 those taxing units comprising a Unified Planning Area.

13 Section 2. INCLUSION INTO THE CODE OF LAWS AND ORDINANCES

14 If any provisions of this Ordinance shall become and be made a part  
15 of the code of laws and ordinance of Palm Beach County, Florida.  
16 The sections of this Ordinance may be renumbered or relettered to  
17 accomplish such, and the word "ordinance" may be changed to  
18 "section," "article," or any other appropriate word.

19 Section 3. SEVERABILITY

20 If any section, paragraph, sentence, clause, phrase, or word of  
21 this Ordinance is for any reason held by a court of competent  
22 jurisdiction to be unconstitutional, inoperative or void, or  
23 otherwise invalid, such holding shall not affect the remainder of  
24 this Ordinance.

25 Section 4. EFFECTIVE DATE

26 The provisions of this Ordinance shall become effective upon  
27 receipt of acknowledgement by the Secretary of State.

28 APPROVED AND ADOPTED by the Board of County Commissioners of  
29 Palm Beach County, Florida, on this 18th day of  
30 September, 1990.



JOHN B. DUNKLE, CLERK  
Board of County Commissioners

By Linda C. Heckman  
DEPUTY CLERK

1 APPROVED AS TO FORM  
2 AND LEGAL SUFFICIENCY  
3

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

4 BY: [Signature]  
5 County Attorney

BY: [Signature]  
Chair

6 Acknowledgement by the Department of State of the State of  
7 Florida, on this 28th day of September, 1990.

8 EFFECTIVE DATE: Acknowledgment from the Department of State  
9 received on the 4th day of October, 1990, at 2:00 p.m., and  
10 filed in the Office of the Clerk of the Board of County  
11 Commissioners of Palm Beach County, Florida.

12 (wcd)  
13

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, JOHN B. DUNKLE, ex-officio Clerk of the  
Board of County Commissioners, certify this to  
be a true and correct copy of the original filed in  
my office on 9/18/90  
DATED at West Palm Beach, FL on 9/4/90  
JOHN B. DUNKLE, Clerk  
By: [Signature] D.C.